

Practitioner's Docket No. SST/1070

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mueller, Lee W.

Application No.: 09/603,727

Group No.: 3635

Filed: June 23, 2000

Examiner: Chilcot, R. E.

For: Pre-Assembled Internal Shear Panel

RECEIVED

JUL 09 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Technology Center 2100

INFORMATION DISCLOSURE STATEMENT

List of Sections Forming Part of This Information Disclosure Statement

07/02/2001 00000127 09603727

01 57 125

100.00 00

CERTIFICATION UNDER 37 C.F.R. Sections 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. section 1.8(a)

37 C.F.R. section 1.10*

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Address"
Mailing Label No. _____ (mandatory)

TRANSMISSION

EL 923544915

☐ transmitted by facsimile to the Patent and Trademark Office (703) _____.

Date: 06-27-2001

Signature

JANE Y. LEE

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).
"Since the filing of correspondence under [section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Information Disclosure Statement--page 1 of 16)

Match & Return

Practitioner's Docket No. SST/1070



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mueller, Lee W.

Application No.: 09/603,727

Filed: 06/23/2000

For: Pre-Assembled Internal Shear Panel

Group No.: 3635

Examiner: Chilcot, R. E.

Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

RECEIVED

"Express Mail" label number EL 923544915 US
Date of Deposit 06/27/2001

JUL 09 2001

Technology Center 2100

I hereby state that the following *attached* papers and fee

IDS Transmittal (2pgs)

IDS (16pgs)

Copies of English Translation of Foreign References (16pgs)

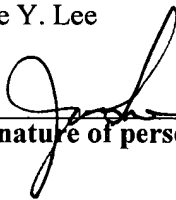
151 Cited References

Return Receipt Post Card

Check No. 7311 for \$180.00

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Jane Y. Lee



Signature of person mailing paper or fee

Match & Return

(Express Mail Certificate--page 1 of 1)

EL 923544915

The following sections are being submitted for this Information Disclosure Statement:

1. Preliminary Statements
2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)
3. Copies of Listed Information Items Accompanying This Statement
4. Concise Explanation of Non-English Language Listed Information Items
5. Translation(s) of Non-English Language Documents
6. Identification of Person(s) Making This Information Disclosure Statement

(Information Disclosure Statement--page 2 of 16)

EL 923544915

Match & Return

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 3. Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

Section 4. Concise Explanation of Non-English Language List Information Items

Japanese Newspaper Article

It is believed that this article was published in Japan on or about February 12, 1996. The article concerns the use of prefabricated shear resisting units built according to U.S. Patent 5,706,626. The building shown in the 4 pages of color photocopies labeled "Wood Framed Residential Project Kobe" also submitted with this paper.

Japanese Language Magazine Article, "Wide Focus", pages 20 and 21

It is believed that the subject matter of this article is the same as the article described above.

CH 419526 Biggi

According to the translation, Biggi '526 teaches a method of constructing the walls of a building from prefabricated panel units. The panel units are installed side-by-side. The panel units consist of two panels sandwiching strips placed near the edges of the panels. The panels are attached to each other by means of L-shaped metal tracks at their base, and U-shaped tracks along the top of the panel units. The panels share similar structural characteristics with the shear-resisting assembly of the present invention.

JP 03-208936 Okabe

According to the translation available to the Applicant, this published application relates to the construction of "frame-built houses, wherein a structural body is built using columns, beams, etc., and panels are mounted to the structural body." Section 3, Detailed Description of the Invention [Prior Art].

The application describes the prior art which teaches that in so-called "frame-built houses a steel outer frame *a* fitted with diagonal braces *b* to form so-called load-bearing panel C (shown in FIG. 4) has typically been used to increase the durability and strength of the house." Section 3, Detailed Description of the Invention [Prior Art].

The subject matter of JP 03-208936 is an improved wall panel or load-bearing panel for such a frame-built house. The wall panel of this application comprises "long upper and lower members joined by vertical members". Additionally, the wall panel "is furnished with a framework having a reinforcing section comprising parallel middle members connected to said upper and lower members and braces connected diagonally between said middle members." Section 3, Detailed Explanation of the Invention [Means of Solving the Problems].

It appears that great importance is also placed on the wall panel additionally being provided with "fittings for coupling with the structural body of the house." See claim 1. These fittings are disposed on the upper and lower members of the wall panel. The fittings are positioned "in the vicinity of where the ends of said middle members are connected and at positions removed from said ends in directions away from the reinforcing section." Section 3, Detailed Explanation of the Invention [Means of Solving the Problems].

The above-mentioned pairs of fittings can be used in the alternative, depending on whether the wall is located on the lowest level of the house or on an upper level. Section 3, Detailed Explanation of the Invention [Working Examples].

The wall panel is also provided with "the same kind of fitting 23, 24 . . . on the top and bottom of [the] vertical members 4, 4 and joint member 17." Section 3, Detailed Explanation of the Invention [Working Examples].

The wall panel is also provided with "face members 14, 15 . . . on the front and back of vertical members 4, 4, middle members 5, 5 and joint members 16, 17 with wooden lining members 19, which are relatively thin and long in the vertical direction disposed in-between."

JP 09-256738 Kenchiku

This reference appears to teach inserting a designated shear resisting assembly into a building wall constructed from horizontal top and bottom plates and vertically-arranged studs. The World Patents Index English-language abstract is provided because a full translation is not readily available.

JP 09-273214 Shimizu

This reference appears to teach inserting a designated shear-resisting assembly into a building wall. The World Patents Index English-language abstract is provided because a full translation is not readily available.

JP 10-140653 Okawa

The panels of this patent appear to share similar structural characteristics with the shear-resisting assembly of the present invention, and appear to be designed to resist lateral loading, although it appears that this is a method for constructing an entire wall out of such panels, rather than inserting such panels into selected portions of the wall built from elongated members. The World Patents Index English-language abstract is provided because a full translation is not readily available.

JP 10-184076 NKK

This reference appears to teach inserting a designated shear-resisting assembly into a building made from posts or pillars and beams. The World Patents Index English-language abstract is provided because a full translation is not readily available.

Section 5. Translation(s) of Non-English Language Documents

Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

CH 419526 Biggi
JP 03-208936 Okabe

World Patents Index English-language abstracts are provided for the following references:

JP 09-256738 Kenchiku
JP 09-273214 Shimizu
JP 10-140653 Okawa
JP 10-184076 NKK

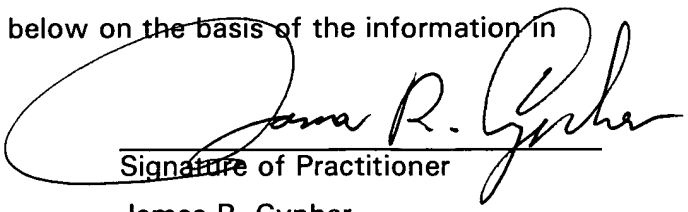
Section 6. Identification of Person Making This Information Disclosure Statement

The person making this certification is:

- a. the practitioner who signs below on the basis of the information in the practitioner's file.

Date: 06-27-2001

Reg. No.: 22448
Tel. No.: 1-510-832-4111
Customer No.: 498



Signature of Practitioner

James R. Cypher
Law Offices of James R. Cypher
405 14th Street, Suite 1607
Oakland, CA 94612-2777

